



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,961	11/17/2003	Eric E. Blouin	RPS920030169US1	5408

47052 7590 06/19/2006

SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

EXAMINER

SUGENT, JAMES F

ART UNIT	PAPER NUMBER
----------	--------------

2116

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,961

Applicant(s)

BLOUIN ET AL.

Examiner

James Sugent

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Office hereby acknowledges receipt of the following and placed of record in file:

- Claims 1-26 are present for examination.

5

Claim Objections

Claims 13-16 are objected to because of the following informalities:

- Claims 13-15 recite the limitation "The computer readable medium of claim 7" on line 1 of all the claims. There is insufficient antecedent basis for this limitation in the claims. Examiner asserts the Applicant's intentions were to have the claims recite dependence upon claim 12. Please make correction to have claims 13-15 read "The computer readable medium of claim 12" on line 1.
- Claim 16 recites the limitation "The computer readable medium of claim 8" on line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner asserts the Applicant's intentions were to have the claim recite dependence upon claim 13. Please make correction to have claim 16 read "The computer readable medium of claim 13" on line 1.

10

15

Appropriate correction is required.

20

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2116

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg et al. (U.S. Patent No. 6,615,406 B1) (hereinafter referred to as Amberg) in view of Bearden et al. (U.S. Patent No. 6,718,373) (hereinafter referred to as Bearden).

As to claim 1, Amberg discloses a computer manufacturing system comprising: a system under test (SUT) (160), the SUT including a network adapter (180; column 4, lines 37-39) for loading the appropriate operating system (column 3, lines 44-56); and a station (140) for receiving customer orders (92) for the SUT, the station including a sequencer (204), the sequencer obtains a boot selection file (Amberg discloses the sequencing program 204 creating a boot selection file [step disk 150] from descriptor file 96; column 4, lines 22-37) for the SUT from a directory, the SUT parses the boot selection file (subdivides the step disk 150 into a number of individual sub-files) to obtain the operating system image to load and boot until the SUT is configured (column 7, lines 13-33).

Amberg fails to disclose the SUT including a boot loader, the SUT retrieving the boot selection file and the SUT being configured with the appropriate date.

Bearden teaches a computer manufacturing process for installing software (column 2, lines 14-31). Bearden teaches the target computer system (200) comprising a boot loader that is launched by a BIOS to download application setup files (therefore retrieving the boot sequence file) and software to be installed (column 11, line 66 thru column 12, line 7 and figure 13).

During the configuration process, Bearden teaches the process storing information for all files create to include the appropriate date (column 5, lines 35-41). Bearden further teaches the added

Art Unit: 2116

benefit of decreasing the complexity of application and file installation as well as decreasing the size of the install package source files that are stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column 8, lines 19-23).

It would have been obvious to one of ordinary skill of the art having the teachings of
5 Amberg and Bearden at the time the invention was made, to modify the target computer of
Amberg to include a boot launcher and retrieving a boot sequence file as taught by Bearden such
that the target computer retrieves the boot selection file from the station to obtain the operating
system for installation and configuration with the appropriate date. One of ordinary skill in the
art would be motivated to make this combination of including a boot launcher in the target
10 computer and that said target computer retrieves a boot selection file in view of the teachings of
Bearden, as doing so would give the added benefit of decreasing the complexity of application
and file installation as well as decreasing the size of the install package source files that are
stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column
8, lines 19-23).

15 As to claim 2, Amberg together with Bearden taught the computer manufacturing system
according to claim 1, as described above. Bearden further teaches the computer manufacturing
system wherein the SUT includes the communication software for communicating with the
sequencer; captures the address of the network adapter; uses the address to look up the directory
of the boot selection file; retrieves the boot selection file from the directory; and bootstraps the
20 operating system based upon the boot selection file (Bearden teaches the computer systems being
built to include the necessary network circuitry to communicate with the server which therefore

Art Unit: 2116

necessitates communication software and proper addressing for communicating across the network; column 2, lines 25-35).

As to claim 3, Amberg together with Bearden taught the computer manufacturing system according to claim 1, as described above. Bearden further teaches the computer manufacturing system wherein the SUT comprises a single processing system (column 3, lines 39-55).

As to claim 4, Amberg together with Bearden taught the computer manufacturing system according to claim 1, as described above. Bearden further teaches the computer manufacturing system wherein the SUT comprises a server dense architecture (Bearden teaches the computer systems can be of any type and therefore can be server dense systems; column 2, lines 48-59).

As to claim 5, Amberg together with Bearden taught the computer manufacturing system according to claim 1, as described above. Bearden further teaches the computer manufacturing system wherein the boot loader comprises preboot code within the SUT (Bearden teaches the boot loader comprising bootstrap instructions BI; column 11, line 66 thru column 12, line 33).

As to claim 6, Amberg together with Bearden taught the computer manufacturing system according to claims 1 and 2, as described above. Amberg further teaches the computer manufacturing system wherein the communication software comprises an internet protocol (IP) stack (Amberg teaches the network connection being any type of connection known in the art and therefore is able to be an IP connection which utilizes an IP stack; column 5, lines 8-12).

As to claim 7, Amberg discloses a method for allowing a system under test (SUT) (160) to boot a plurality of operating systems without a need for local media; the method comprising the steps of: (a) providing a network adapter in the SUT (180; column 4, lines 37-39); (b) obtaining a boot selection station file (obtaining a descriptor file 96 wherein a sequencing

Art Unit: 2116

program 204 creates a boot selection file [step disk 150]) by a sequencer (204) within a station (202) for the SUT, the boot selection file being stored on a floppy disk (Amberg discloses the sequencing program 204 creating a boot selection file [step disk 150] from descriptor file 96; column 4, lines 22-37); and (c) parsing the boot selection file (subdivides the step disk 150 into a number of individual sub-files) to obtain the operating system image to load and boot until the SUT is configured (column 7, lines 13-33).

Amberg fails to disclose the boot selection file being stored in a server, retrieving the best selection file via the network adapter and the SUT being configured with the appropriate date.

Bearden teaches a computer manufacturing process for installing software (column 2, lines 14-31). Bearden teaches the target computer system (200) comprising a boot loader that is launched by a BIOS to download application setup files (therefore retrieving the boot sequence file) stored on a server (110) and software to be installed (column 11, line 66 thru column 12, line 7 and figure 13). During the configuration process, Bearden teaches the process storing information for all files create to include the appropriate date (column 5, lines 35-41). Bearden further teaches the added benefit of decreasing the complexity of application and file installation as well as decreasing the size of the install package source files that are stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column 8, lines 19-23).

It would have been obvious to one of ordinary skill of the art having the teachings of Amberg and Bearden at the time the invention was made, to modify the target computer of Amberg to include a boot launcher and retrieving a boot sequence file as taught by Bearden such that the target computer retrieves the boot selection file from the station to obtain the operating system for installation and configuration with the appropriate date. One of ordinary skill in the

Art Unit: 2116

art would be motivated to make this combination of including a boot launcher in the target computer and that said target computer retrieves a boot selection file in view of the teachings of Bearden, as doing so would give the added benefit of decreasing the complexity of application and file installation as well as decreasing the size of the install package source files that are
5 stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column 8, lines 19-23).

As to claim 8, Amberg together with Bearden taught the computer manufacturing system according to claim 7, as described above. Bearden further teaches the method wherein the SUT includes the communication software; captures the address of the network adapter; uses the
10 address to look up the directory of the boot selection file; retrieves the boot selection file from the directory; and bootstraps the operating system based upon the boot selection file (Bearden teaches the computer systems being built to include the necessary network circuitry to communicate with the server which therefore necessitates communication software and proper addressing for communicating across the network; column 2, lines 25-35).

15 As to claim 9, Amberg together with Bearden taught the computer manufacturing system according to claim 7, as described above. Bearden further teaches the method wherein the SUT comprises a single processing system (column 3, lines 39-55).

As to claim 10, Amberg together with Bearden taught the computer manufacturing system according to claim 7, as described above. Bearden further teaches the method wherein the
20 SUT comprises a server dense architecture (Bearden teaches the computer systems can be of any type and therefore can be server dense systems; column 2, lines 48-59).

Art Unit: 2116

As to claim 11, Amberg together with Bearden taught the computer manufacturing system according to claims 7 and 8, as described above. Amberg further teaches the method wherein the communication software comprises an internet protocol (IP) stack (Amberg teaches the network connection being any type of connection known in the art and therefore is able to be an IP connection which utilizes an IP stack; column 5, lines 8-12).

As to claim 12, Amberg discloses a computer readable medium containing program instructions for allowing a system under test (SUT) (160) to boot a plurality of operating systems without a need for local media; the program instructions for: (a) providing a network adapter in the SUT (180; column 4, lines 37-39); (b) obtaining a boot selection station file (obtaining a descriptor file 96 wherein a sequencing program 204 creates a boot selection file [step disk 150]) by a sequencer (204) within a station (202) for the SUT, the boot selection file being stored on a floppy disk (Amberg discloses the sequencing program 204 creating a boot selection file [step disk 150] from descriptor file 96; column 4, lines 22-37); and (c) parsing the boot selection file (subdivides the step disk 150 into a number of individual sub-files) to obtain the operating system image to load and boot until the SUT is configured (column 7, lines 13-33).

Amberg fails to disclose the boot selection file being stored in a server, retrieving the best selection file via the network adapter and the SUT being configured with the appropriate date.

Bearden teaches a computer manufacturing process for installing software (column 2, lines 14-31). Bearden teaches the target computer system (200) comprising a boot loader that is launched by a BIOS to download application setup files (therefore retrieving the boot sequence file) stored on a server (110) and software to be installed (column 11, line 66 thru column 12, line 7 and figure 13). During the configuration process, Bearden teaches the process storing

Art Unit: 2116

information for all files create to include the appropriate date (column 5, lines 35-41). Bearden further teaches the added benefit of decreasing the complexity of application and file installation as well as decreasing the size of the install package source files that are stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column 8, lines 19-23).

5 It would have been obvious to one of ordinary skill of the art having the teachings of Amberg and Bearden at the time the invention was made, to modify the target computer of Amberg to include a boot launcher and retrieving a boot sequence file as taught by Bearden such that the target computer retrieves the boot selection file from the station to obtain the operating system for installation and configuration with the appropriate date. One of ordinary skill in the
10 art would be motivated to make this combination of including a boot launcher in the target computer and that said target computer retrieves a boot selection file in view of the teachings of Bearden, as doing so would give the added benefit of decreasing the complexity of application and file installation as well as decreasing the size of the install package source files that are stored on the hard disk partitions (column 1, lines 10-18 and column 1, lines 43-48 and column
15 8, lines 19-23).

As to claim 13, Amberg together with Bearden taught the computer manufacturing system according to claim 12, as described above. Bearden further teaches the computer readable medium wherein the SUT includes the communication software; captures the address of the network adapter; uses the address to look up the directory of the boot selection file; retrieves the
20 boot selection file from the directory; and bootstraps the operating system based upon the boot selection file (Bearden teaches the computer systems being built to include the necessary

Art Unit: 2116

network circuitry to communicate with the server which therefore necessitates communication software and proper addressing for communicating across the network; column 2, lines 25-35).

As to claim 14, Amberg together with Bearden taught the computer manufacturing system according to claim 12, as described above. Bearden further teaches the computer readable
5 medium wherein the SUT comprises a single processing system (column 3, lines 39-55).

As to claim 15, Amberg together with Bearden taught the computer manufacturing system according to claim 12, as described above. Bearden further teaches the computer readable medium wherein the SUT comprises a server dense architecture (Bearden teaches the computer systems can be of any type and therefore can be server dense systems; column 2, lines 48-59).

10 As to claim 16, Amberg together with Bearden taught the computer manufacturing system according to claims 12 and 13, as described above. Amberg further teaches the computer readable medium wherein the communication software comprises an internet protocol (IP) stack (Amberg teaches the network connection being any type of connection known in the art and therefore is able to be an IP connection which utilizes an IP stack; column 5, lines 8-12).

15

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sugent whose telephone number is (571) 272-5726. The examiner can normally be reached on 8AM - 4PM.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

10 James Sugent
Patent Examiner, Art Unit 2116
June 7, 2006


JAMES TRUILLO
PATENT EXAMINER
TC 2100